

# Notice of Allowability

Application No.

10/528,654

Examiner

Ives Wu

Applicant(s)

TADA ET AL.

Art Unit

1724

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/27/06.
2. ☒ The allowed claim(s) is/are 11-14.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **DETAILED ACTION**

(1). Applicant's Remarks, Affidavits, Request-for-Continued Examination (RCEX) filed on September 27, 2006 have been received.

Claims 1-10 are cancelled previously.

The rejections for claims 11-14 in prior Office Action dated March 31, 2006 is withdrawn.

### ***Allowable Subject Matter***

Claims 11-14 are allowed.

### ***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance:

The instant application is allowable over the prior art references primarily in view of applicant's argument together with the Affidavits to the fact that neither per said prior art reference anticipates nor renders obvious for the invention of instant application.

The particle size of emulsion polymerization is much smaller than the particle size of suspension polymerization. Therefore, the ratio of scattered-light intensity for the product of emulsion polymerization would not be the same as that of the suspension polymerization. This argument is well taken based on the Affidavits, also in view of the applicant's Remarks. Although prior art reference Chapman, Jr. et al (US005547761A) disclose the separation method in post-dispersion (or emulsion) polymerization including the stirring, decantation, however, it is for coagulation and particle size from dispersion polymerization would be between that of emulsion polymerization and suspension polymerization. Furthermore, Chapman, Jr. et al (US005547761A) do not teach the repetition as claimed by applicant. Other prior art references such as Hirage et al (US006268469B1) disclose the separation method for post-emulsion polymerization involving the steps of instant claims, no repeating in the coagulation is disclosed which would not produce the particle size same as suspension polymerization to reach the same scattered-light intensity as claimed by applicant, which is supported by Affidavits. Becker et al (US004454047) disclose the emulsion and subsequent quiescent settling of the agitated mixture to promote the coalescence and to produce the aqueous, non-aqueous phases as stratified layers.

Art Unit: 1724

Main difference is the particle size of emulsion would not possess the scattered-light intensity as claimed by applicant even Becker et al (US004454047) disclose the repetition of agitation, subsequent quiescent settling.

As of the date of this Notice of Allowability, the Examiner has not located or identified any reference that can be used singularly or in combination with another reference including the above-cited prior arts to render the present invention anticipated or obvious to one of ordinary skill in the art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ives Wu whose telephone number is 571-272-4245. The examiner can normally be reached on 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner: Ives Wu

Art Unit: 1724

Date: December 18, 2006

DUANE SMITH  
PRIMARY EXAMINER

U-1-2-07